



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,042	12/31/1999	HENRY JOHN HUMMEL JR.	15-SV-5359	8637

23566 7590 11/29/2002

OSTRAGER CHONG & FLAHERTY LLP
825 THIRD AVE
30TH FLOOR
NEW YORK, NY 10022-7519

EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
2697	

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/477,042	HUMMEL JR. ET AL.
	Examiner Matthew R Demicco	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 November 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 December 1999 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "118" has been used to designate both an adaptor utility and an interface tool in Figure 3. The Examiner understands that the reference character "118" used to describe an adaptor utility is most likely intended instead to be reference character "116" as used in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference character "84" in Figure 4 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: reference character "20" in Figure 2 is not described, but is understood to be the same as reference character "20" in Figure 1. Additionally, reference characters "110", "112" and "132" in Figure 5 are not described but understood. The Examiner suggests that the Applicant add to the disclosure that reference characters not explicitly defined in a Figure are understood to be the same as in prior

Figures, where applicable. Reference character "92" in Figure 3 is not described in the disclosure nor is it understood to be the same as in other figures. Appropriate correction is required. ✓

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the instant invention, the Applicant claims a diagnostic system with a user interface for selecting and viewing training videos from a central service facility via a network. The Applicant further claims that said diagnostic system comprises both a web browser and a web server that "facilitates data exchange between the diagnostic system and the service facility..." (Page 16, Lines 2-6). While it is understood that a web browser is used to provide interaction and communication between the user of the diagnostic system and the central service facility, it is unclear as to the role the web server takes on the local computer system. It is well known in the art that a web browser on a client system can access local HTML content directly without the need for an intermediate web server. A web server is typically employed to transmit data from a centralized server to any number of client browsers. In this case however, the claimed diagnostic system (client) also acts as a server, but it is unclear as to what other clients would connect to it and for what reason.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-6, 8, 12-13, 16, 19-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,449,001 to Levy et al. in view of U.S. Patent No. 5,791,907 to Ramshaw et al.

Regarding Claims 1-3, Levy discloses a process and a system for video teleconferencing. The system includes a central service facility connected to any number of remote sites via a network (See Figure 1). Furthermore the system of Levy is based on a personal computer (Col. 5, Lines 11-45) and is used in conjunction with various medical scanning devices-(Col. 2, Lines 9-14) for the purpose of, among other things, technical and technique monitoring and training (Col. 6, Lines 54-67). Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device based on a personal computer system with a display and a speaker wherein the user can select and receive high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request for content of the server, the server retrieves the

data from its storage device and sends the data across the network to the client. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical video teleconferencing training system of Levy in order to facilitate “off-line” distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claims 5-6, 8 and 12-13, Levy discloses a system for video teleconferencing as stated above. Levy does not, however, disclose a method by which a specific training video is selected using a graphical user interface, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device as stated above based on a personal computer system with a display and a speaker wherein the user can select, receive and play back high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). The system of Ramshaw discloses a video/audio player for displaying the video data on the display screen (See Figure 4A). Ramshaw further discloses an interactive medial training system that utilizes a graphical user interface for selecting a training video (See Figures 3A and 7A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the

medical video teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claim 16, Levy discloses a system for video teleconferencing as stated above. The system includes a central service facility with a processing system connected to any number of remote sites via a network (See Figure 1). Levy does not, however, disclose a method by which the central facility retrieves a specific training video based on a request from a remote client and transmits said video component to the medical diagnostic system over the network. Ramshaw discloses an interactive medical training device based on a personal computer as stated above. It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the remote client makes a request over the network for content from the server, the server retrieves the data from its storage device and sends the data across the network to the client using a known addressing and transport protocol such as TCP/IP. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical video teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claims 19-21, Levy discloses a system for video teleconferencing as stated above. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device based on a personal computer as stated above. It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request over the network using a "communication module" for content from the server, the server retrieves the data from its storage device and sends the data across the network to the client utilizing a "communication module." To facilitate this data transfer, a known network protocol such as TCP/IP may be used to address/route said data over the network. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical video teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claims 23 and 24, Levy discloses a system for video teleconferencing as stated above. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device

based on a personal computer system as stated above. It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request over the network using a “communication module” for content from the server, the server retrieves the data from its storage device and sends the data across the network to the client utilizing a “communication module.” To facilitate this data transfer, a known network protocol such as TCP/IP may be used to address/route said data over the network. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical video teleconferencing training system of Levy in order to facilitate “off-line” distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

8. Claims 4, 9, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Ramshaw and further in view of U.S. Patent No. 6,477,708 to Sawa.

Regarding Claim 4, as stated above, Levy in view of Ramshaw discloses a computer based medical video training system with a client-server model of operation. Levy in view of Ramshaw however, does not disclose a subscription verification system that would deny access to video and audio data without a valid subscription. Sawa discloses a bi-directional communication system using a client-server model whereby

video information is transmitted over a network to a plurality of client terminals from a centralized server. An authentication server validates an authentication request message from the content server (Col. 2, Lines 15-40) and subsequently denies access to users without access (Col. 4, Lines 33-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the authentication server of Sawa with the video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive, copyrighted, or subscription based media content.

Regarding Claims 9,18 and 22, as stated above, Levy in view of Ramshaw discloses a computer based medical video training system with a client-server model of operation. Levy in view of Ramshaw however, does not disclose a subscription verification system using a license server and an application server in communication with said license server that is programmed to deny access to video and audio data without a valid subscription. Sawa discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. A dedicated authentication server validates an authentication request message sent via the network from the content server (Col. 2, Lines 15-40) and hands off control based to a video data communication server (See Figure 2) that subsequently denies access to users without access (Col. 4, Lines 33-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the authentication and video data servers of Sawa

with the video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive, copyrighted, or subscription based media content by using a separate database of subscription users.

9. Claim 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Ramshaw and further in view of known prior art.

As stated above, Levy in view of Ramshaw discloses a medical diagnostic system with interactive network-based video training. The system of Levy further discloses that the central access facility or host site comprises a computer with a memory and a disk-based storage medium (Col. 5, Lines 10-45). What is not disclosed, however, is a specific memory on the central access facility server for storing a video database that is accessed during the retrieval step. Official Notice is hereby taken that it is well known in the art that a computer acting as a server would have a memory for storing data that is accessed when the server requires retrieval of said data. Furthermore, it is well known that a “database,” or a collection of data arranged in such a fashion that it is easily searched, sorted, and retrieved must be stored on a “memory” device. This “memory” could comprise random access memory (RAM), a hard disk, magneto-optical disc, or any other data storage medium. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the interactive medical video training system of Levy in view of Ramshaw with a well-known memory device to store and retrieve video content from a database due to the ease and speed of search and retrieval of using such a method.

10. Claims 10-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Ramshaw and further in view of known prior art. As stated above, Levy in view of Ramshaw discloses a medical diagnostic system with interactive network-based video training. The system of Levy in view of Ramshaw does not, however, disclose a system that contains both a web server and a web browser that is used to display a graphical user interface to select and receive a training video. Official Notice is hereby taken that it is well known within the art to utilize a web server in combination with a web browser to present and actuate a graphical user interface that may contain, among other things, video content. Furthermore, it is understood that a web browser can be used to select and generate a request to a web server for specific content, including video. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the video training system of Levy in view of Ramshaw with a web server and web browser in order to present and actuate an easy-to-use graphical user interface that makes use of HTML's hyper-linking properties.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,063,030 to Vara et al. discloses a PC-based ultrasound device with graphical user interface.

U.S. Patent No. 5,609,485 to Bergman et al. discloses a computer-based interactive system for use in medical training.

U.S. Patent No. 6,409,661 to Murphy discloses a PC-based system with medical sensors, camera, and microphone used to record and transmit data to a remote location.

U.S. Patent No. 6,184,878 to Alonso et al. discloses a network based video on demand terminal with subscriber based hypertext interaction

U.S. Patent No. 5,878,746 to Lemelson et al. discloses a computerized medical diagnostic system that can analyze the results of various tests in order to determine a patient's condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

KA Williams
Kimberly A. Williams
Primary Examiner
Technology Center 2700

mrd
November 27, 2002